

# COMMITTEE AMENDMENT FORM

DATE: 03/16/ 05

COMMITTEE      ZONING.

PAGE NUM. (S)

ORDINANCE I. D. #04-O-1843

SECTION (S)

RESOLUTION I. D. #05-R-

PARA.

AMENDS THE LEGISLATION BY ADDING NINE (9) CONDITIONS AND A  
NEW SITE PLAN MAP.

City Council  
Atlanta, Georgia

**04-O-1843**

AN ORDINANCE

**Z-04-110**

BY: ZONING COMMITTEE

Date Filed: 9-13-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **228 Peachtree Hills Avenue** be changed from the R-G-2 (Residential General Sector 2) District to the RG-3-C (Residential General Sector 3 Conditional) District), to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 102, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

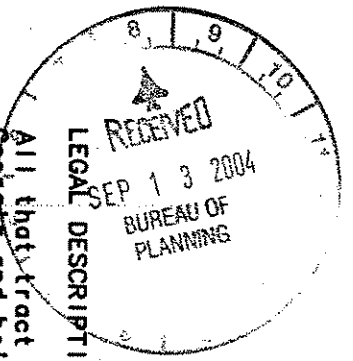
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



2-04-110



LEGAL DESCRIPTION TRACT 10

All that tract or parcel of land lying in Land Lot 102, 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING AT A POINT, said point being a 1/2 inch reinforcing rod found at the intersection of the easterly line of Land Lot 102 with the northerly margin of the right-of-way of Peachtree Hills Avenue (60 foot right-of-way); Thence running along the northerly margin of the right-of-way of Peachtree Hills Avenue North 89 degrees 51 minutes 47 seconds West, a distance of 791.82 feet to a 1/2 inch reinforcing rod found at the intersection of the easterly margin of Virginia Place (50 foot right-of-way) with the northerly margin of Peachtree Hills Avenue; Thence running along the easterly margin of the right-of-way of Virginia Place along a curve to the left an arc distance of 228.06 feet (said arc being subtended by a chord bearing of North 07 degrees 22 minutes 41 seconds East, a chord distance of 225.96 feet and having a radius of 484.00 feet) to a 3/8 inch reinforcing rod found at the apparent centerline of the former Junction Avenue; Thence running along the apparent centerline of the former Junction Avenue the following courses and distances: North 89 degrees 44 minutes 17 seconds East, a distance of 333.97 feet to a 1/2 inch open top pipe found; Thence South 89 degrees 38 minutes 44 seconds East, a distance of 60.42 feet to a 1/2 inch reinforcing rod found; Thence South 89 degrees 45 minutes 38 seconds East, a distance of 373.08 feet to a fence post found on the easterly line of Land Lot 102; Thence running along the easterly line of Land Lot 102, South 01 degrees 10 minutes 35 seconds West, a distance of 225.62 feet to a 1/2 inch reinforcing rod found and the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 3.992 Acres.

**Isakson Barnhart**  
**Associates, Inc.**  
Engineers & Development Consultants  
Planners  
275 VILLAGE PARKWAY  
MARIETTA, GA 30067  
770-955-2421  
Landscape Architects

LEGAL DESCRIPTION  
TRACT II

DRAWN BY APR
CHECKED BY JL
DATE 07-08-04
SCALE NONE
JOB NO. 03063
CAD FILE 3063LEGAL
PLOT DATE 07-08-04

PARK SPRINGS II

L.L. 102, 17th DISTRICT, FULTON COUNTY, GEORGIA

Isakson Barnhart  
25 Technology Parkway South #201  
Norcross, Georgia 30092  
770-417-1788

**Conditions for Z-04-110  
For  
228 Peachtree Hills Avenue, N.E.**

1. Conditioned on site plan titled "Peachtree Hills Apartments Redevelopment Plan", dated December 7, 2004 and marked received by the Bureau of Planning on January 22, 2005.
2. The park on the corner of Virginia and Peachtree Hills Avenue, the three Parks along the north side of Peachtree Hills Avenue and the Nature Trail located in the conversation easement area are intended for public use.
3. All utilities on site shall be underground. Public utilities in the R/W may be above ground.
4. The Health Care building shall be limited to 36 units (36 beds).
5. Activities in the conversation easement area shall be limited to walking trails, viewing decks on patios, fencing, and related amenities and certain storm and/or sanitary sewer lines, detention areas, and other utilities in connection with the initial construction of the CCRC that may need to be located in such area as is reasonably necessary for construction and operation of the CCRC.
6. Independent living units per tract shall be limited to the numbers shown on the legend of this plan.
7. Building heights shall be limited to that shown on this plan. All building heights are from finished grade on at least one side with parking below except Tract II which may require parking at or partially below finished grade.
8. The Owner shall provide a community bulletin board kiosk in the park on the corner of Virginia Place and Peachtree Hills Avenue.
9. No walls or fences shall be constructed along the right-of-way except at points of entry for architectural and signage purposes. Gates may be permitted at the rear drive on parcel I and entry drives for parcels II and III as well as all parking area points of entry behind and under permitted. Fencing for mutual privacy or security along off street property lines may be permitted. The nature trail may be gated to allow it to close at dark in deemed necessary for safety and security.